



Civil Rights  
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February 20, 2025

**VIA ECF**

Hon. Gabriel W. Gorenstein, U.S.M.J.  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York New York 10007

***Re: Sai Malena Jimenez-Fogarty v. Thomas Fogarty, et al.***  
***Case No.: 1:24-CV-08705-JLR***

Dear Judge Gorenstein:

This office represents the plaintiff, Sai Malena Jimenez-Fogarty in the above captioned matter. Plaintiff submits this letter in response to Defendant Laura Marino's request for an extension of time to move, answer, or otherwise respond to Plaintiff's First Amended Complaint. Plaintiff objects to the requested extension.

As set forth in prior submissions, (Dkt. No. 57), Defendant Marino was properly served with the Summons and Complaint on November 18, 2024, and her deadline to respond expired on December 9, 2024. To date, Ms. Marino has failed to file a responsive pleading or otherwise defend against the claims asserted against her. As a result, Plaintiff has sought leave from the Court (*Id*) to file a Motion for Default Judgment against her and other defaulting defendants, which the court partially granted and which Plaintiff fully intends to do. Thus, allowing an extension at this stage would prejudice Plaintiff and reward Defendant Marino's intentional failure to comply with the rules and orders of the Court.

Contrary to Defendant Marino's letter submission, Plaintiff's counsel did respond to defense counsel's request for consent to an extension when she became available later in the afternoon on February 18, 2025. Plaintiff expressly denied consent.

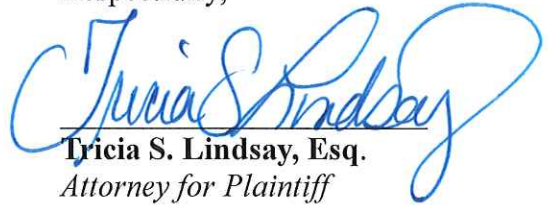
For these reasons, Plaintiff respectfully requests that the Court deny Defendant Marino's request for an extension and permit Plaintiff to proceed with seeking a certificate of default from the Clerk's office, as already approved by the Court on February 11, 2025. Mr. Gomez, the process

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server, asked the individual if she was Laura Marino. The individual responded affirmatively. Therefore, Mr. Gomez is able to positively identify Ms. Marino, and knew the person he served to be her, as he is familiar with Ms. Marino's appearance from his work on the case. Mr. Gomez is also willing and able to testify to the fact that he served Ms. Marino on said date, and he can also testify about her response when she was served. A record of the service, including the date and time, is also available and has been provided to the court.

We thank the Court for its time and attention to this matter.

Respectfully,



**Tricia S. Lindsay, Esq.**  
*Attorney for Plaintiff*

cc: All Counsel of record (via ECF only)